

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MARGARET WAGNER,

Plaintiff,

vs.

BAYSTATE HEALTH, INC.,

Defendant.

CIVIL ACTION NO. 12-cv-30146-MAP

**DEFENDANT'S MOTION TO STRIKE PORTIONS OF PLAINTIFF'S RESPONSE TO  
DEFENDANT'S STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF ITS  
PARTIAL MOTION FOR SUMMARY JUDGMENT AND PORTIONS OF  
PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT'S  
PARTIAL MOTION FOR SUMMARY JUDGMENT**

Federal Rule of Civil Procedure 56 and Local Rule 56.1 is designed to make the determination of whether there is a genuine issue of material fact in dispute as simple as possible. A moving party sets forth his or her facts. The opposing party is to identify which facts she disputes and cite to admissible evidence in support of her position that the fact is disputed. Defendant has moved for Summary Judgment, and it has complied with Rule 56 and Local Rule 56.1 by keeping its Statement of Undisputed Facts ("Facts") straight-forward and simple. Upon reviewing Plaintiff's responses to those Facts, the Court should be able to read through them easily and determine which are and which are not actually in dispute. Plaintiff's Responses to Defendant's Facts ignore the requirements of Rule 56 and Local Rule 56.1 and, instead, Plaintiff makes various attempts to make this case seem confusing in an apparent attempt to disguise that there are no genuine issues of material fact. *See Plaintiff's Response to*

DELETED as moot. The court has allowed  
Defendant's motion. So ordered.  
Michael B. Ponsor JST  
10-29-13